

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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www.montgomerycountymd.gov/content/council/boa/board.asp

Case No. S-2632

PETITION OF TISSA B. MAYARATA

OPINION OF THE BOARD

(Opinion Adopted October 5, 2005)

(Effective Date of Opinion: November 16, 2005)

Case No. S-2632 is an application for a special exception pursuant to Section 59-G-2.00 (Accessory Apartment) of the Zoning Ordinance to permit an existing accessory apartment. Pursuant to the provisions of Section 59-A-4.125, the Hearing Examiner held a hearing on the application on May 31, 2005, held the record open until June 21, 2005, and on September 13, 2005, issued a Report and Recommendation for denial of the special exception.

Decision of the Board: Special Exception **Denied**.

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on October 5, 2005. After careful consideration and review of the record in the case the Board adopts the Hearing Examiner's Report and Recommendation and denies the special exception. The Board agrees with the Hearing Examiner's findings that the height, size and orientation of the addition housing the accessory apartment prevent it from preserving the single-family appearance of the house, as required by Section 59-G-2.00(a)(6). The Board also adopts the Hearing Examiner's finding that because of the height, size and visual prominence of the addition, it fails to meet the requirement of Section 59-G-2.00(a)(9) that an accessory apartment be subordinate to the main dwelling. Therefore, on a motion by Donna L. Barron, seconded by Louise L. Mayer, with Angelo M. Caputo, Wendell M. Holloway and Allison Ishihara Fultz, Chair in agreement, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

Allison Ishihara Fultz
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 16th day of November, 2005.

Katherine Freeman
Executive Director

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.